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PART II - MISCELLANEOUS NOTIFICATIONS OF INTEREST TO THE PUBLIC

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NOTIFICATIONS BY HEADS OF DEPARTMENTS Etc.,

**CHIEF EXECUTIVE OFFICER,
A. P. STATE WAQF BOARD,
4th FLOOR, IMDADAGHAR, Opp: KALESWARAO MARKET, VIJAYAWADA.**

F.No.12/KNL/M/2007/Z-IV.

Date: 29-09-2022.

F.No.26/APSWB/KNL/Budget/2016-17/Towliath.

NANDYAL DISTRICT & TOWN - CHOWK MASJID AND ITS ALLIED INSTITUTIONS AND ITS ATTACHED PROPERTY - ALLEGATION FILED AGAINST THE MUTAWALLIES - ENQUIRY REPORT SUBMITTED ON 08-07-2022 - Sri P.V.H. IMRAN HUSSAIN AND Sri P.V.H. JAVID MIAH ARE RECOGNIZED AS MUTAWALLIES U/Sec.42 OF WAQF ACT, 1995.

1. Complaint of Sri Akbar Basha Shaik S/o Abdul Rahman Shaik and Mussallies of the Masjid-e-Lathifia, situated at Nandyal Town, dated.06-11-2017.
2. Proceedings of the CEO, APS Waqf Board F.No.12/KNL/M/2017/Z-IV, dated.20-11-2017.
3. Preliminary Enquiry report of the Enquiry Officer, dated.08-05-2018.
4. Proceedings of the CEO, APS Waqf Board F.No.12/KNL/M/2007/Z-IV, dated.30-05-2018.
5. Orders of the Hon'ble High Court of AP in W.P.No. 18767/2018, Dated.07-06-2018.
- 6.Representation of Sri P.V.H.Javid Miah , R/o. Nandyal, dated. 21-06-2018.

7. Proceedings of the CEO, APS Waqf Board F.No. 26/APSWB/KNL/Budget/2016-17/Towliath, dated. 08-06-2018.
8. Board resolution No. 91/2018, dated.04-07-2018.
9. Proceedings of the CEO, APS Waqf Board F.No.12/KNL/M/2007/Z-IV, dated.05-07-2018.
10. Representation of Sri. P.V.H.Javid Miah, R/o.Nandyal Town, Kurnool District, dated.11-03-2022 along with copy of Hon'ble High Court orders in W.A.No.1674 of 2018, dated.20-12-2018.
11. Representation of Sri. P.V.H. Imran Hussain, R/o.Nandyal Town , Kurnool District, dt.11-03-2022 along with of Hon'ble High court orders in W.A. No. 1656 of 2018, dt.06-11-2019.
12. This office Proceedings No.12/KNL/M/2007/Z-IV/supply, dt.22-04-2022.
13. Enquiry report of the Enquiry Officer, dated.08-07-2022
14. Orders of the Hon'ble Chairperson, APSWB, dated. 23-08-2022.
15. Board resolution No.424./2022, dated.25-08-2022.
16. Orders of the Hon'ble Chairperson, APS Waqf Board, dt.22-09-2022.

ORDER:

The Chowk Masjid, situated at Nandyal Town (Erstwhile Kurnool District) along with its attached properties bearing land in Sy.No.2179, Ac.1.77 cents of Nandyal, Sy.No.338, Ac.12.42 cents and Sy.No. 473, Ac.12.63 cents of Moolasagaram (V) are notified Waqf property duly published in the AP Gazette No.43-A, dated.24-10-1963 under serial No 3402 under the Muthawalliship of P.V.H.Abdul Latif. As per the Survey Commissioner's report dated 24-04-1956, the rule of succession to the office of the Muthawalli is "Hereditary".

The Government has acquired the Waqf land in Sy.No.473, Ac.12.68 cents for SRBC with the compensation amount of the said acquired Waqf land, the Waqf Board purchased the land bearing Sy.No. 32, Ac. 6.32 cents of Moolasagaram (V) besides the lands, shops bearing D.Nos.4-445, 4-341/A, 4-341/A1, 4-341/A2 of Nandyal, building bearing D.No. 2-428-53-A1 consisting of ground & first floor with (6) rooms each floor with warrandah in Sy.No. 2179, Masjid-e-Lathifia and two rooms in Sy.No. 2179 of Nandyal are the attached properties of the Chowk Masjid, Nandyal. These properties have been published in the AP Gazette dated 28-08-1997, 20-11-1997, 9-11-2006, 14-12-2006, 17-09-2009 respectively.

The AP State Waqf Board appointed to Sri P.V.H. Mohiuddin Basha, Sri P.V.H. Abdul Razack Miah and Sri P.V.H. Azeemuddin Basha as Muthawallies of the above said Masjid in place of their deceased father P.V.H. Abdul Latif vide proceedings F.No. B3/KNL/19/1993, dated 21-01-1997 Usec.63 of Waqf Act, 1995 without mentioned period. After death of Sri P.V.H. Mohiuddin Basha, the Board has appointed to Sri P.V.H.Javid Miah as Muthawalli vide proceedings No. 12/KNL/M/2007/Z-IV. dt.29-03-2007 U/sec. 42 of Waqf Act, 1995. Further Sri P.V.H. Imran Hussain has

appointed as Muthawalli vide proceedings No. 12/M/KNL/2007/Z-IV, dated 23-02-2017 in place of his deceased father Sri P.V.H.Abdul Razack Miah U/sec.42 of Waqf Act,1995.

While so, a complaint was received vide 1st read above alleging that, the Muthawalli Sri. P.V.H.Javid Miah and others were not performing their legitimate duties and misappropriation of Masjid funds and its properties. On the said complaint, an Enquiry Officer was appointed for detailed enquiry into the allegations vide reference 2nd read above. The Enquiry Officer has submitted his preliminary report vide reference 3rd read above, wherein, the Enquiry Officer viewed that Sri. P.V.H.Javid Miah cannot natral successor of Sri. PVH Ahmed Mohiuddin Basha deceased Mutawalli and he appointment as Mutawalli is possible U/sec. 63 of Waqf Act, 1995 and not U/sec.42 of Waqf Act, 1995. Further the enquiry Officer opinion that the appointment of Sri. PVH Javid Miah as Mutawalli and his continuation in that post needs to be re-examine and appropriate decisions taken and to conclude the enquiry six (6) months time be required.

On the above interim enquiry report of the Enquiry Officer, the Board has withdrawn the earlier proceedings vide reference 4th read above. Aggrieved by the said proceedings, Sri P.V.H. Javid Miah filed W.P. No. 18767/2018 before the Ho'ble High Court of A.P. The Hon'ble High Court in its order dated. 07-06-2018 while disposing the W.P the Hon'ble Court given (15) days time to the petitioner to submit both explanations and also a request for consideration of petitioner's claim as well for appointment as Muthawalli. The Board without fail passes and order within four (04) weeks thereafter and communicates to all the concerned. As per the Hon'ble Court orders, the Writ petitioner has submitted his representation vide reference 6th read above.

Sri P.V.H.Imran Hussain, Muthawalli has suspended on the grounds that he has submitted false accounts and budget vide reference 7th read above.

The entire matter has been placed before the Board in its meeting. The Board vide resolution 8th read above withdrawn the both proceedings of Sri P.V.H.Javid Miah and Sri. P.V.H. Azeemuddin Basha and also resolved to appoint an Enquiry Office for enquiry into the matter. Accordingly, issued proceedings vide reference 9th read above and directed the I.A Waqf, Nandyal Division to kept incharge of the subject Institution and entire attached properties till further orders.

Sri.P.V.H.Javid Miah and Sri.P.V.H.Imran Hussain are submitted their individual representations vide references 10th & 11th read above with request to complete the enquiry as per the Hon'ble High Court orders in W.A.No.1674 of 2018, dated.20-12-2018 and W.A. No. 1656 of 2018, dt.06-11-2019

In view of the Hon'ble High Court orders, again appointed an Enquiry Officer vide reference 12th read above to enquire the matter and submit enquiry report.

The Enquiry Officer has submitted his enquiry report vide reference 13th read above, wherein, the Enquiry Officer has stated that though sufficient time has given to the complainant Sri Akbar Basha, has failed to produce the documentary evidence to support his allegations and also not produced any witnesses and he is not interested to take issue to logical conclusion, it should not be difficult for any complainant to give out the evidence on which his allegations are based. The Enquiry Officer has concluded his enquiry that the complainant is reluctant and evasive.

The facts of the case alongwith enquiry report, dated.08-07-2022 was placed before the Board and the Board has passed the resolution reference 15th read above is as follows;

" The matter has been discussed in length and unanimously resolved to recognize Janab PVH Javid Miah and PVH Imran Hussain as Muthawallies U/s. 42 of the Waqf Act, 1995 for Chowk Masjid and its allied institutions and its attached properties situated at Nandyal Town and District".

The matter has been placed before the Hon'ble Chairperson, APS Waqf Board vide reference 16th cited who after careful examination of the matter has pleased to pass orders to issue orders as per the resolution of the Board.

Accordingly, Sri P.V.H.Imran Hussain and Sri.P.V.H.Javid Miah are hereby recognized as Mutawallies U/s. 42 of the Waqf Act, 1995 for Chowk Masjid and its allied institutions and its attached properties situated at Nandyal Town and District for managing the affairs of the subject Waqf Institution by following Waqf Act,1995 and Waqf Rules.

The Mutawallies should discharge their legitimate duties strictly as determined in Section 50 of Waqf Act, 1995 read with Rule 20 of A.P. Waqf Rules, 2000 and should follow the instructions issued by the Board from time to time. He should submit the Accounts U/sec.46 and Budget U/sec.44 of Waqf Act, 1995 and pay Waqf fund duly following the provisions laid down U/sec.72 & 77 of Waqf Act, 1995 properly, failing which action will be taken against them U/Sec. 61 and 64 of the Waqf Act, 1995. The following duties assigned to them;

- a) To implement the orders issued by the Board from time to time.
- b) To carry out the directions of the Board
- c) To allow inspection of the Inspector Auditor, Waqfs regarding property, accounts, records, deeds and documents relating thereof.
- d) To discharge all public duties.
- e) To do any other Act which he is Lawfully required to do so or under this Act
- f) He shall render proper and correct accounts of the Institution and its attached properties and shall not suppress any facts.
- g) That the Mutawalli is restricted to grant lease of Waqf property exceeding one year.
- h) The Mutawalli should follow the Norms fixed in Section 56 of the Waqf Act, 1995 while granting Lease of any agricultural lands. He should follow Lease Rules, 2014 to put open auction through A.P. State Waqf Board.
- i) He will not entitled to expend the Monies of Waqf exceeding @ 10% of the Net annual Income.

As per Sec.101(2) of Waqf Act, 1995, "every Mutawalli of a Waqf, every member of managing committee whether constituted by the Board or under any deed of Waqf, every Executive Officer and every person holding any office in a Waqf shall also be deemed to be a public servant within the meaning of Sec.21 of the Indian Penal Code". As such, for the illegal acts if any, every member of the committee will be liable for penal action. The Mutawalli shall also noted that Sec.3(ee) defined encroacher, Sec. 52-A explain rigorous punishment up to (2) years and Sec.61 speaks penalty and punishment up to (6) months for the lapses / charges shown therein, hence should act carefully diligently and maintain accounts scrupulously.

The AP State Waqf Board reserves its right to modify / cancel / alter / with hold the order at any time without assigning any reasons thereof.

L. ABDUL KHADIR,
Chief Executive Officer,
A.P. State Waqf Board, Vijayawada.

To
Sri PVH Imran Hussain, S/o. P.V.H.Abdul Razack Miah
Sri PVH Javid Miah, S/o. P.V.H.Abdul Razack Miah
Mutawallies of Chowk Mosque & its allied institutions,
D.No. 4-341, M.H.School Road, Nandyal Town District.

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